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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,123	02/04/2002	Kazuhiro Namba	F-7309	5982
28107	7590	09/16/2005	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			BROCKETTI, JULIE K	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/067,123

Applicant(s)

NAMBA ET AL.

Examiner

Julie K. Brockett

Art Unit

3713

All participants (applicant, applicant's representative, PTO personnel):

(1) Julie K. Brockett.

(3) _____.

(2) Herb Rushman.

(4) _____.

Date of Interview: 12 September 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Triple Play 2000, Okitsu.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's proposed claim amendment (see attached) distinguishes Applicant's invention from Triple Play 2000 and Okitsu in that it states how a movement direction is made with an input device and then the player does one of two different depression operations to command either a pitching throw or a pick off throw. Triple Play 2000 on the other hand makes a player select a pitching throw prior to initiating a pick off throw.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**JULIE BROCKETT
PRIMARY EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Julie Brockett
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PTOL-413A (09-04)
Approved for use through 07/31/2008, OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

F-7309

Application No.: 10/067,123 First Named Applicant: Kazuhiro NAMBA et al.
Examiner: Julie K. Brockett Art Unit: 3713 Status of Application: Non-Final Rejection

Tentative Participants:

(1) Herbert F. Ruschmann (2) Ex. Julie K. Brockett
(3) _____ (4) _____

Proposed Date of Interview: September 12, 2005 Proposed Time: 11:00 (AM/PM)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Rejection	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>112, Parg. 2</u>	<u>1,8,9,11</u>	_____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) <u>102(b)</u>	<u>1</u>	<u>TP2002</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

Proposed amendment of claim 1 addressing above issues "at least one button" replaced by "at least one button input portion". Directional moving along input direction. Prior art requires mouse click on button on screen. Art does not teach actuation of a pitch or a pick

off throw based on same movement direction input.
An interview was conducted on the above-identified application on 9-12-05.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Herbert F. Ruschmann
Applicant/Applicant's Representative Signature

Herbert F. Ruschmann

Typed/Printed Name of Applicant or Representative

35,341

Registration Number, if applicable

Julie K. Brockett
Examiner/SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: F-7309
Serial No. 10/067,123
Inventor: Kazuhiro NAMBA et al.

REVISED PROPOSED CLAIM 1 AMENDMENT

AFTER INTERVIEW OF

September 12, 2005

1. (Currently Amended) A computer readable recording medium in which an executable game progress control program is recorded to control a progress of a baseball game in which a game player's team and a computer-controlled team or competitor's team alternately play offense and defense via a ball character used as a game medium, said game progress control program comprising the steps of:

displaying a game image including a plurality of characters on a monitor screen of a computer;

receiving input of instructions based on directional moving operations which input a movement direction as input, and button depression operations of a pointing device ~~with at least one button~~ by the player, said pointing device in its entirety being movable with respect to said monitor screen, and

proceeding the baseball game based on the input made by the game player;

wherein in said receiving step[[.]] :

designation of instructions for a pitching action of a pitcher character is accomplished by the operation of said pointing device when the player's team is the defensive side,

designation of instructions for offensive action of a batter character is accomplished by operation of said pointing device when the game player's team is the offensive side, and

selection and effectuation of pitching a pitching throw or a pickoff throw as said pitching action is accomplished by conversion of a direction moving operation of the pointing device common to both the pitching throw and the pickoff throw, the selection and effectuation of the pitching throw and the pickoff throw being accomplished by the following ordered combination of player inputs:

a first input operation of the pointing device which is the directional moving operation of said pointing device inputting a movement direction as input which is common to effectuation of both the pitching throw and the pickoff throw, and

a second input operation of the pointing device, which is one of two different depression operations of the at least one button provided on said pointing device, wherein:

when the second input operation is a first depression operation of the two different depression operations, the movement direction of the first input operation is converted to an effectuation command to effectuate the pitching throw, and [[,]]

when the second input operation is a second operation of the two different operations the movement direction of the first input operation is

converted to an effectuation command to effectuate

the pickoff throw; and

designation of a base that is to be picked off is accomplished by ~~[[a]]~~ the
directional moving operation of said pointing device when the player's team is the
defensive side; and

~~wherein said designation of the instruction for the pitching and the
designation of the base to be picked off by the pickoff throw is accomplished by the
moving operation of the pointing device before said selection of pitching or pickoff
throw by the different operations of the at least one button provided on said pointing
device.~~